

SEALED

United States District Court

SOUTHERN DISTRICT OF INDIANA

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

MARCUS PETTUS

CASE NUMBER: 1:19-mj-00733

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

Count One: Between on or about December 1, 2018 and on or about December 14, 2018, in Hamilton County, in the Southern District of Indiana, MARCUS PETTUS sexually exploited a minor child, in violation of Title 18, United States Code, Section 2251(a).

I further state that I am a Task Force Officer, and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof.


John Pirics, Task Force Officer, HSI

Sworn to before me, and subscribed in my presence

at Indianapolis, Indiana

August 2, 2019
Date

Debra McVicker Lynch, U.S. Magistrate Judge
Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Task Force Officer John Pirics, U.S. Department of Homeland Security, Homeland Security Investigations, being duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. **Affiant:** I am employed as a Detective with the Carmel Police Department, and I am currently assigned to the Hamilton County Metro Child Exploitation Task Force. I have been employed by the Carmel Police Department as an officer since 1995. I have received extensive training in child sexual exploitation investigation from several sources, including the Internet Crimes Against Children Task Force, the Purdue University Cyber Forensics program, the United States Attorney's Office, and the National Center for Missing and Exploited Children. I have written numerous search warrants involving internet crimes against children cases and participated in their execution. I am currently assigned to operate in an undercover capacity on the Internet to identify and investigate persons attempting to exploit or solicit sexual acts with children or trafficking in child pornography. I am also a cross designated Task Force Officer with the U.S. Department of Homeland Security, Homeland Security Investigations (HSI) (formerly US Immigration and Customs Enforcement, Office of Investigations).

2. **Probable Cause:** For the reasons listed below, there is probable cause to believe that **MARCUS PETTUS ("PETTUS")**, DOB xx-xx-1984 (known to affiant, but redacted) has committed the following offenses in the Southern

District of Indiana and elsewhere between December 1 and December 14, 2018:

a. **Count 1: Sexual Exploitation of a Child:** On multiple occasions, within the Southern District of Indiana and elsewhere, **MARCUS PETTUS** did employ, use, persuade, induce, entice, or coerce any minor to engage in, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct or for the purpose of transmitting a live visual depiction of such conduct, knowing or having reason to know that either the visual depiction will be transported or transmitted via a facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, or that the visual depiction was produced or transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce, or that the visual depiction has actually been transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce, in violation of 18 U.S.C. § 2251(a).

3. **Definitions:** The following definitions apply to this Affidavit:

- a. The term “minor,” as defined in 18 U.S.C. § 2256(1), refers to any person under the age of eighteen years.
- b. The term “sexually explicit conduct,” as defined in 18 U.S.C. § 2256(2)(A)(i-v), is defined as actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether

between persons of the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic areas of any person.

c. The term "visual depiction," as defined in 18 U.S.C. § 2256(5), includes undeveloped film and videotape, data stored on computer disc or other electronic means which is capable of conversion into a visual image, and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format.

d. The term "computer," as defined in 18 U.S.C. §1030(e)(1), means an electronic, magnetic, optical, electrochemical, or other high speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.

e. "Internet Protocol address" (hereinafter referred to as "IP address"), as used herein, is a code made up of numbers separated by dots that identifies a particular computer on the Internet. Every computer requires an IP address to connect to the Internet. IP addresses can be dynamic, meaning that the ISP assigns a different unique number to a computer every time it accesses the Internet. IP addresses might also be static, if an ISP assigns a user's computer a particular IP address which is used each time the computer accesses the Internet.

4. **Information provided:** The statements in this affidavit are based in part on information provided by the persons listed below. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause that **MARCUS PETTUS** committed violations of Title 18, United States Code, Section 2251(a).

II. PROBABLE CAUSE

5. **Initial Investigation:** On December 14, 2018, the parents of Jane Doe, a fourteen-year-old female whose identity is known to me, made a report to the Federal Bureau of Investigation. Jane Doe's parents had discovered that Jane Doe had been sending exploitative photos and videos of herself to various individuals via the app Instagram. They suspected at least one of the individuals, using the Instagram username "**youda1fool**", was an adult. Jane Doe also communicated with this individual, who told her his name was Marcus, by text. Marcus provided Jane Doe his telephone number as **832-312-7160**. Jane Doe lives and attends school in Hamilton County, Indiana which is in the Southern District of Indiana.

6. **Forensic Interview of Jane Doe:** Jane Doe was interviewed at a child advocacy center on January 17, 2019. During her interview, she stated the following:

a. Jane Doe was followed on Instagram by **youda1fool** in December of 2018. He asked if she wanted to be his girlfriend, and said

that all she had to do is send him photos. He told her that his name was "Marcus" and provided her with the phone number **832-312-7160**.

b. Marcus stated that he was 15 years old, and sent her three pictures. One was a selfie of a boy with blond hair and blue eyes, and another was a picture of his penis.

c. Jane Doe's Instagram profile explicitly stated that she was the class of '23 at her high school. Jane Doe stated that she was 14 years old and in 8th grade.

d. At his request, Jane Doe sent Marcus approximately fifty photo and video files. Many of the files depicted her masturbating or touching herself. Marcus often sent her images of naked women and asked her send him photos of her posed the same way. Marcus would also ask that she put her hair in pigtails when taking pictures for him. One of the videos that she created at Marcus's request depicted her choking herself by tying her underwear around her neck and a doorknob and then leaning forward until her face turned red. At least one exploitative video was sent via text message to the phone number that Marcus had provided.

7. **Forensic Examination of Jane Doe's Phone:** Jane Doe's phone was examined by the FBI. During this examination, several exploitative image and video files of Jane Doe were located. I reviewed the video files, and found that some of the files that depicted Jane Doe masturbating. Multiple video clips of Jane Doe choking herself with her underwear as she described in her

interview were also located. Additionally, there were a few screenshots of Instagram conversations between Jane Doe and **youda1fool**, within which he asks Jane Doe for a “full body pic”.

8. **Information from Instagram:** A State subpoena for records was sent to Instagram. Subscriber information for the Instagram account **youda1fool** indicated a registration date of November 23, 2018 and multiple logins from December 8, 2018 through December 16, 2018 from IP address **73.166.48.249**. A search of publicly available information revealed that Comcast was the service provider for that IP address.

9. **Information from Comcast:** A State subpoena was sent to Comcast, and they identified the following subscriber had been assigned IP address **73.166.48.249** during the time pertinent to this investigation:

Subscriber Name:	MARCUS PETTUS
Service Address:	806 Garrett Dr., Magnolia, TX, 77354-1545
Telephone Number:	832-312-7160
Type of Service:	High Speed Internet Service
Account Number:	8777702080513786
Start of Service:	11-30-2015
Account Status:	Active

10. **Information from AT&T:** A State subpoena was sent to AT&T for subscriber and account information for the telephone number **832-312-7160**. I reviewed the AT&T records provided in response to the subpoena. There are multiple lines on the account, and some of the lines appeared to be assigned to other family members. However, the records showed the telephone number **832-312-7160** was assigned to the user **MARCUS PETTUS**.

III. CONCLUSION

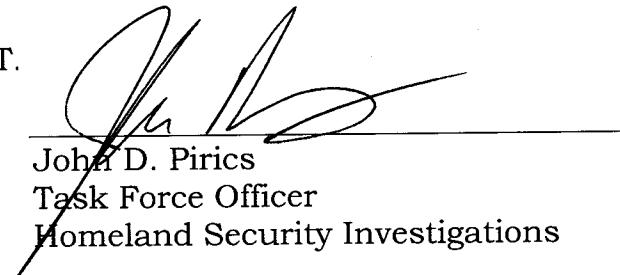
11. **Conclusion:** Based upon the contents of this Affidavit, there is probable cause to believe that **MARCUS PETTUS** has committed the following offenses:

a. **Count 1:** Between on or about December 1, 2018 and December 14, 2018, in Hamilton County, within the Southern District of Indiana, MARCUS PETTUS sexually exploited a minor child, in violation of Title 18, United States Code, Section 2251(a).

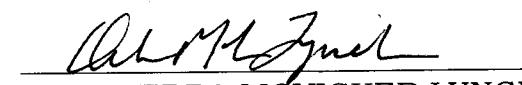
I respectfully request that the Court issue a Criminal Complaint and Arrest Warrant for **MARCUS PETTUS** charging him with the offenses listed above.

12. **Request to Seal:** Because the Defendant is not aware of this investigation, the investigation of these offenses are ongoing, and other minor victims and related offenders are still under investigation, I request the Court to seal this Criminal Complaint, Arrest Warrant, and any accompanying documents.

FURTHER AFFIANT SAYETH NAUGHT.


John D. Pirics
Task Force Officer
Homeland Security Investigations

Subscribed and sworn to before me on the 2nd of August, 2019.


HON. DEBRA MCVICKER LYNCH
United States Magistrate Judge
Southern District of Indiana